

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO.: 1:22-cv-23342-WILLIAMS

UNITED STATES OF AMERICA,  
*ex rel.*  
WADE RINER,  
  
Plaintiff/Relator,  
  
vs.  
  
HUNTERS RUN PROPERTY OWNERS  
ASSOCIATION, INC., et al.,  
  
Defendants.

**THE UNITED STATES' AND RELATOR'S AGREED MOTION TO DISMISS  
DEFENDANT THE LOXAHATCHEE CLUB, INC.**

The United States of America having intervened for settlement purposes as to Defendant The Loxahatchee Club, Inc. (D.E. 29), pursuant to Fed. R. Civ. P. 41(a)(2) and the *qui tam* provisions of the False Claims Act, 31 U.S.C. § 3730(b)(1), and in accordance with the terms and conditions of the October 18, 2023 Settlement Agreement among the United States of America, Defendant The Loxahatchee Club, Inc., and Relator Wade Riner (the “Loxahatchee Settlement Agreement”), Plaintiffs, the United States of America and Relator Wade Riner, jointly move for the Court’s entry of an order:

1. dismissing with prejudice Defendant The Loxahatchee Club, Inc., as to the United States and Relator *only for the* Covered Conduct described in the Loxahatchee Settlement Agreement;<sup>1</sup>

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<sup>1</sup> The Loxahatchee Settlement Agreement defined the term “Covered Conduct” as:

F. The United States contends that it has certain civil claims against The Loxahatchee Club[, Inc. (“The Loxahatchee Club”)] arising out of The Loxahatchee Club’s ineligibility to apply for and receive The Loxahatchee Club’s PPP Loan, and ineligibility to apply for and receive forgiveness of The Loxahatchee Club’s PPP Loan, because non-profit entities organized under section 501(c)(7) of the Internal Revenue Code were not eligible for Paycheck Protection Program loans when The Loxahatchee Club received The Loxahatchee Club’s PPP loan. The United States further contends that due to ineligibility, The Loxahatchee Club must return the PPP funds that The

2. dismissing Defendant The Loxahatchee Club, Inc., from this action for any conduct *other than* the Covered Conduct set forth in the Loxahatchee Settlement Agreement, with prejudice to the Relator and without prejudice to the United States.

Relator, on behalf of himself, his heirs, successors, attorneys, agents, and assigns, stipulates that the Settlement Amount set forth in the Loxahatchee Settlement Agreement and the terms and conditions described therein are fair, adequate, and reasonable under all the circumstances, that he will not challenge the settlement pursuant to 31 U.S.C. § 3730(c)(2)(B), and that he expressly waives the opportunity for a hearing on any objection to the settlement under to 31 U.S.C. § 3730(c)(2)(B).

The United States of America and Relator Wade Riner respectfully request that the Court enter an order in the form of the proposed order.

Dated: the 29th day of December, 2023.

Respectfully submitted,

By: Randall C Owens

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Loxahatchee Club received for the Loxahatchee's PPP Loan, the interest thereon, and the lender fees the SBA paid relating to The Loxahatchee Club's PPP Loan. All conduct relating to The Loxahatchee Club's PPP Loan between March 27, 2020 and April 21, 2021, and the conduct in this paragraph is referred to below as the "Covered Conduct."